IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8184 of 2005

Between:

M/s. Yella Constructions Limited, A Public Ltd. Company registered under Companies Act,
49-28-11, 2nd Floor, Madhuranagar, Visakhapatnam -530 016.
Rep. by its Managing Director, Sri Y. Raghavaiah.

..... PETITIONER

AND

1 The Deputy. Chief Signal & Telecom, Engineer, Constructions, East Coast Railway,
Dondaparthi, Visakhapatnam-530 016.
2 The Chief Signal & Telecom. Engineer, Projects, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar - 751 023.
3 The FA & CAO, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur,
Bhubaneswar -751 023.
4 The Chief Administrative Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar - 751 023.
5 The General Manager, East Coast Railway,
Rail Vihar, Chandrasekharpur, Bhubaneswar -751 023.
6 The Registrar of Companies, Kendriyasadan, 2nd Floor, Sultan Bazar, Koti, Hyderabad,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or a direction more particularly in the nature of a Writ of Mandamus declaring the inaction of the respondents in not substituting the Company's name i.e, Yella Constructions Limited in place of the old Name i.e, Annapurna Rail S & T Con Limited in pursuance to fresh certification of incorporation dt. 10-2-2004 issued by the 6th respondent consequent on the change

of name of under section 21 & 23 of the Companies Act 1956 is illegal, arbitrary being violative of the Article 19 (1)(g) of the Constitution of India and section 21 & 23 of the Companies Act and consequently direct the respondents to substitute its new name i.e, Yella Constructions Ltd in the Agreement No. S & T/CON/VSKP/RRI/VZM/AGT/4 Dt. 6-8-2003 and all other subsequent Contract Agreements entered under the control of the respondents.

Counsel for the Petitioner:MR.B.S.SHIVAJI

Counsel for the Respondent Nos.1 to 5: MR.G.S.SANGHI (SC FOR RAILWAYS)

Counsel for the Respondent No.6: K.Narahari (SC FOR REGISTRAR OF COMPANIES)

The Court, at the stage of admission, made the following :

ORDER:

The only grievance of the petitioner is that though it made a representation as long back as on 02.08.2004 requesting the respondents to substitute its name i.e., "Yella Constructions Limited" in the place of the "Annapurna Rail S & T Con Limited", on the basis of a fresh Certificate of Incorporation dated 10.02.2004 issued by the sixth respondent-Registrar of Companies, Kendriyasadan, Hyderabad, consequent on the change of its name under Sections 21 and 23 of the Companies Act, 1956, respondents failed to consider the same and no action has been taken so far.

Having heard learned counsel for the petitioner and Sri.G.S.Sanghi learned standing counsel appearing for the respondents and keeping in view the fact that the representation made by the petitioner is still pending before the respondents, without expressing any opinion on merits, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 02.08.2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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13.04.2005

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To

1 The Deputy. Chief Signal & Telecom, Engineer, Constructions, East Coast Railway,
Dondaparthi, Visakhapatnam-530 016.
2 The Chief Signal & Telecom. Engineer, Projects, East Coast Railway, Bhubaneswar -751 023.
3 The FA & CAO, Construction, East Coast Railway,
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4 The Chief Administrative Officer, Construction, East Coast Railway, Bhubaneswar -751 023.
5 The General Manager, East Coast Railway,
Bhubaneswar -751 023.
6 The Registrar of Companies, Kendriyasadan, 2nd Floor, Sultan Bazar, Koti, Hyderabad,

7 2 CD copies

8 1 CC to MR.GOURI SHANKAR SANGHI

9 1 CC to MR.SHIVAJI

10 1 CC to MR.NARAHARI.